

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ZACHARY MOHON

PLAINTIFF

V.

CIVIL ACTION NO. 3:21-CV-578-KHJ-MTP

BURL CAIN, SUPERINTENDENT MARCUS
MCCLURE, and OFFICER UNKNOWN VIVIAN

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Michael T. Parker. [20]. That Report recommends that the Court dismiss without prejudice Plaintiff Zachary Mohon's case pursuant to Federal Rule of Civil Procedure 41(b). Written objections to the Report were due by May 23, 2022. The Report notified the parties that failure to file written objections to the findings and recommendations by that date would bar further appeal in accordance with 28 U.S.C. § 636.

When no party has objected to a magistrate judge's report and recommendation, the Court need not review it de novo. 28 U.S.C. § 636(b)(1). In such cases, the Court can apply the clearly erroneous, abuse of discretion, and contrary to law standards of review. *See United States v. Brigham*, 569 F.3d 220, 228 (5th Cir. 2009) (citation omitted).

Mohon brings this claim against Defendants, alleging violations of his Eighth Amendment rights. *See* Compl. [1]. On March 29, 2022, the Clerk of the Court

mailed an order setting an omnibus hearing to Mohon at his address of record, but it was returned undeliverable. Mail Return [18]. The Magistrate Judge then ordered Mohon to show cause as to why the action should not be dismissed for failure to comply with earlier orders directing Mohon to advise the Court of his current address. Order to Show Cause [19]. Mohon did not respond. The Magistrate Judge then recommended that the Court dismiss the case for failure to prosecute. [20]. Mohon did not object to the Recommendation, and his time to do so has passed. The Court finds the Report and Recommendation is not clearly erroneous or contrary to law. The Court adopts the Report and Recommendation as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [20] of United States Magistrate Judge Michael T. Parker, entered in this cause should be, and the same is, adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that this case is DISMISSED without prejudice pursuant to Rule 41(b). A separate final judgment shall issue.

SO ORDERED AND ADJUDGED this the 25th day of May, 2022.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE